10/562847

# IAP3 Rec'd PUMPTO 29 DEC 2005

Practitioner's Docket No. <u>U 016090-7</u>

**PATENT** 

### TRANSMITTAL LETTER TO THE U.S. DESIGNATED OFFICE (DO/US)--ENTRY INTO THE U.S. NATIONAL STAGE UNDER CHAPTER I

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/CH2004/000414

30 JUNE 2004

1 JULY 2003

TITLE OF INVENTION

METHOD AND DEVICE FOR ATTACHING SHEETING TO SURFACES OF STRUCTURES

APPLICANT(S)

VOGT, PAUL

Mail Stop PCT **Commissioner for Patents** P. O. Box 1450 Alexandria, VA 22313-1450 Optional Customer No. Bar Code

PATENT TRADEMARK OFFICE

**ATTENTION: DO/US** 

NOTE: The time period for commencement of the national stage in the U.S. does not depend upon whether a Demand under PCT Article 31 has been filed. It is no longer necessary to provide separately for the time period for filing the documents and fees required by 35 U.S.C. 371(c) for an: (1) application in which a Demand under Article 31 has not been filed within nineteen months from the priority date and (2) applications in which a Demand under Article 31 has been filed within nineteen months from the priority date.

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NOTE;... The completion of those filing requirements that can be made at a time later than 20 months from the priority date results from the Commissioner exercising his judgment under the authority granted under 35 U.S.C. 371(d). The filing receipt will show the actual date of receipt of the last item completing the entry into the national phase. See 37 C.F.R. 1.491, which states: "An international application enters the national stage when the applicant has filed the documents and fees required by 35 U.S.C. 371(c) within the periods set forth in § 1.494 and § 1.495."

### **CERTIFICATION UNDER 37 C.F.R. 1.10\***

(Express Mail label number is mandatory.) (Express Mail certification is optional.)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date **December 29, 2005**, in an envelope as Express Mail Post Office to Addressee," mailing Label Number EV 480 462 760 US, addressed to the: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

GERALDINE MARTI

type or print name of person mailing paper)

Signature of person mailing paper

12114 WARNING:

Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

\*WARNING:

 $v_i(\mathcal{F}_i) = Y_i$ 8 . . . . . . Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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WARNING:

Documents and fees must be clearly identified as a submission to enter the national stage under 35 U.S.C. § 371, otherwise the submission will considered as being made under 35 U.S.C. § 111. 37 C.F.R. § 1.494(g).

WARNING:

AND SECTIONS

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Abandonment is governed by 37 C.F.R. § 1.495 as follows:

37 C.F.R. § 1.495

(h) An international application becomes abandoned as to the United States thirty months from the priority date if the requirements of paragraph (b) of this section have not been complied with within thirty months from the priority date. If the requirements of paragraph (b) of this section are complied with within thirty months from the priority date but either of any required translation of the international application as filed or the oath or declaration are not timely filed, an international application will become abandoned as to the United States upon expiration of the time period pursuant to paragraph (c) of this section.

37 C.F.R. § 1.495

(b) To avoid abandonment of the application, the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of thirty months from the priority date:

(1) A copy of the international application, unless it has been previously communicated by the International Bureau or unless if was originally filed in the United States patent and Trademark Office; and

(2) The basic national fee (see § 1.492a)).

- 1. Applicant herewith submits to the United States Designated Office (DO/US) the following items under 35 U.S.C. 371:
  - a. [X] This express request to immediately begin national examination procedures (35 U.S.C. 371(f)).
  - b. [X] The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees (37 C.F.R. 1.492), as indicated below:
  - c. [ ] ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

NOTE: § 1.495 Entering the national stage in the United States of America.

- (a) The applicant in an international application must fulfill the requirements of 35 U.S.C 371 within the time periods set forth in paragraphs (b) and (c) of this section in order to prevent the abandonment of the international application as to the United States of America. The thirty month time period set forth in paragraphs (b), (c) (d), (e) and (h) of this section may not be extended. International applications for which those requirements are timely fulfilled will enter the national stage and obtain an examination as to the patentability of the invention in the United States of America.
- (b) To avoid abandonment of the application, the applicant shall furnish to the United Stats Patent and Trademark Office not later than the expiration of thirty months from the priority date:
- (1) A copy of the international application, unless it has been previously communicated by the International Bureau or unless it was originally filed in the United States Patent and Trademark Office; and

(2) The basic national fee (see § 1.492(a)).

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- (c)(1) If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date, the Office will notify the applicant if he or she has omitted any of:
- (i) A translation of the international application, as filed, into the English language, if it was originally filed in another language (35 U.S.C. 371(c)(2));
- (ii) The oath or declaration of the inventor (35 U.S.C. 371(c)(4) and  $\S$  1.497), if a declaration of inventorship in compliance with  $\S$  1.497 has not been previously submitted in the international application under PCT Rule 4.17 (iv) within the time limits provided for in PCT Rule 26ter.1;
  - (ii) The search fee set forth in § 1.492(c); and
  - (iv) The examination fee set forth in  $\S 1.492(c)$ ; and
  - (v) Any application size fee required by § 1.492(j)
- (2) A notice under paragraph (c)(1) of this section will set a period of time within which applicant must provide any omitted translation, oath or declaration of the inventor, search fee set forth in  $\S$  1.492(b), examination fee set forth in  $\S$  1.492(c), and any application size fee required by  $\S$  1.492(j) in order to avoid abandonment of the application.
- (3) The payment of the processing fee set forth in § 1.492(i) is required for acceptance of English translation later than the expiration of thirty months after the priority date. The payment of the surcharge set forth in § 1.429(h) is required for acceptance of the oath or declaration the inventor later than the expiration of thirty months after the priority date.

2	Fees
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Z. Fees	<u> </u>					
CLAIMS FEE*	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS	
	TOTAL CLAIMS *	27 -20=	7	x\$ 50.00=	NOT PAID AT THIS TIME	
	INDEPENDENT CLAIMS *	-3=		x\$ 200.00=	NOT PAID AT THIS TIME	
	MULTIPLE DEPEN \$360.00	DENT CLAI	MS(S) (if appli	cable) +		
FILING FEES**	[x] Basic filing Fe [x] Non-U.S. Sear [] No Search Re [x] Exam Fee not [] U. S. Search f     or IPER cond [] Additional fee     drawings filed     sheets (exclu     or computer p     electronic mee     for each addit     fraction there	rch Report file port paid to U. S. Yee with U.S. Yee with U.S. Yee with U.S. Yee with U.S. Yee for specificate in paper oveding sequence program listing the feet onal 50 sheet	(\$5 (\$2 WO sfied (\$1 WO d (\$0 d (\$0 d (\$0 e listing g filed in e is \$250	\$300.00		
of Marie 1			Total of abov	ve Calculations	900.00	
SMALL ENTITY***	Reduction by ½ for fi Statement may also b	-				
• •				Subtotal		
		<del></del>	Tot	al National Fee	\$ 900.00	
	Fee for recording the (37 CFR 1.21(h)). (Se "ASSIGNMENT CO	e Item 10 belo	ow). See attach	ed		
TOTAL			Tota	l Fees enclosed	\$ 900.00	

<sup>\*</sup>May include Preliminary Amendment (see page 7) reducing the number of claims.

\*\*WARNING:

"To avoid abandonment of the application, the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of 30 months from the priority date; . . . (2) the basic national fee (see § 1.492(a)). The 20-month time limit may not be extended." 37 C.F.R. § 1.495(b).

<sup>\*\*\*</sup> Small Entity Assertion:

· • • .		
[]5	Asser	tion of Small Entity Status
100000	<b>Appli</b>	cant hereby asserts status as a small entity under 37 C.F.R. § 1.27 by:
	[]	Written Assertion or Statement attached
	[]	Fee payment herewith
NOTE:	37 C.F.	R. $\S$ 1.27(c) deals with the assertion of small entity status; whether by a written specific declaration thereof ayment as a small entity of the basic filing fee or the fee for the entry into the national phase and states:
		"(c) Assertion of small entity status. Any party (person, small business concern or nonprofit organization) should make a determination, pursuant to paragraph (f) of this section, of entitlement to be accorded small entity status based on the definitions set forth in paragraph (a) of this section, and must, in order to establish small entity status for the purpose of paying small entity fees, actually make an assertion of entitlement to small entity status, in the manner set forth in paragraphs (c)(1) or (c)(3) of this section, in the application patent in which such small entity fees are to be paid.
134.		(1) Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:
	•	(i) Be clearly identifiable;
		(ii) Be signed (see paragraph (c)(20 of this section); and

to comply with the assertion requirement.

- (2) Parties who can sign and file the written assertion. The written assertion can be signed by:
  - (i) One of the parties identified in § 1.33(b) (e.g., an attorney or agent registered with the Office), § 3.73(b) of this chapter notwithstanding, who can also file the written assertion;

(iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order

- (ii) At least one of the individuals identified as an inventor (even though a  $\S$  1.63 executed oath or declaration has not been submitted), not withstanding  $\S$  1.33(b)(4), who can also file the written assertion pursuant to the exception under  $\S$  1.33(b) of this part; or
- (iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under § 1.33(b) of this part.
- (3) Assertion by payment of the small entity basic filing or basic national fee. The payment, by any party, of the exact amount of one of the small entity basic filing fees set forth in §§ 1.16(a), (f), (g), (h), or (k), or one of the small entity basic national fees set forth in §§ 1.492(a)(1), (a)(2), (a)(3), (a)(4), or (a)(5), will be treated as a written assertion of entitlement to small entity status even if the type of basic filing or basic national fee is inadvertently selected in error.
  - (i) If the Office accords small entity status based on payment of a small entity basic filing or basic national fee under paragraph (c)(3) of this section that is not applicable to that application, any balance of the small entity fee that is applicable to that application will be due along with the appropriate surcharge set forth in  $\S$  1.16(e), or  $\S$  1.16(l).
  - (ii) The payment of any small entity fee other than those set forth in paragraph (c)(3) of this section (whether in the exact fee amount or not) will not be treated as a written assertion of entitlement to small entity status and will not be sufficient to establish small entity status in an application or a patent."

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	i	[x] A c	heck in t	the amount of \$ _	900.00 to	cover th	ne above fees i	s enclosed.
	ii.	[ ] Plea	ase charg	ge Account No.		in the	amount of \$	<u> </u>
			A dupl	icate copy of this	s sheet is e	enclosed.		
WARNII	VG:	submitted and give abandon the oath fee set fo	d by the ap n a period nment. The or declard orth in § 1.	oplicant within twent of time within which payment of the surc ution later than twen 492(f) is required for	ty (20) month to file the tr harge set for ty (20) mont r acceptance	hs from the anslation a rth in § 1.4 hs after the cof an Engl	priority date, the ind/or oath or dec 92(e) is required priority date. Th lish translation la	national fee have not been applicant will be so notified claration in order to prevent as a condition for accepting e payment of the processing ter than twenty (20) months ult in abandonment of the
3.	А сору	of the I	nternatio	onal application a	as filed (35	U.S.C.	371(c)(2)):	
	a.	[]		mitted herewith.				
	b.	[ ]	is not r Office.		pplication	was filed	d with the Unit	ted States Receiving
	<b>c</b> .	[]		en transmitted				
	•	i.	[]	by the Internati			_	the application from
		ii.	[]	by applicant on	1			
$(q_i, x_i)^{\theta_i}(x_i)$	••				Date			
NOTE:	the Office the copy Internation that notice place. To Internation	e by 30 mo of the in onal Bure ce shall be hus, if th onal Bure	onths from ternationa au notifies accepted he applica au, applica	the priority date to al application to the sthe applicant of th by all designated oj ant desires to enter	avoid aband e Office in d e communid ffices as con the nation	lonment. "T accordance cation to th clusive evid al stage a	The International with PCT Articl ne Office. In accordence that the cor dence that the cor nd applicant ha	oplication must be filed with Bureau nominally provides e 20. At the same time, the rdance with PCT Rule 47.1, mmunication has duly takens received notice from the the priority date." Notice of
4.				ernational application (1(c)(2)):	ation (incl	uding dra	wing, if any)	into the English
	a.	• `		ed herewith.				
	b.		l follow					
	c.			red as the applica	ation was	filed in E	nglish.	
	d.			ısly transmitted l			·	
						I	Date	
NOTE:	37 C F R	814950	(c)·"If ann	licant complies with	naragranh	(b) of this s	ection before exp	iration of thirty months from

NOTE: 37 C.F.R. § 1.495(c): "If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date but omits... a translation of the international application, as filed, into the English language, if it was originally filed in another language (35 U.S.C. 371(c)(2)... applicant will be so notified and given a period of time within which to file the translation... in order to prevent abandonment of the application. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than the expiration of thirty months after the priority date... A 'Sequence Listing' need not be translated if the 'Sequence Listing' complies with PCT Rule 12.1(d) and the description complies with PCT Rule 5.2(b)".

5.	[]		ments to 371(c)(	the claims of the International application under PC1 Article 19 (35):					
NOTE:	amendn thirty m	C.F.R. § 1.495(d): "A copy of any amendments to the claims made under PCT Article 19, and a translation of tho nendments into English, if they were made in another language, must be furnished not later than the expiration irty months from the priority date. Amendments under PCT Article 19 which are not received by the expiration irty months from the priority date will be considered to be canceled."							
NOTE:	PCT Art This No. 19 amen In many	ticle 19 Am tice further adments. T cases, fili	iendments r advises: he applica ng an ame	93 indicates that 37 C.F.R. § 1.494(d) was "amended to clarify the existing practice that must be submitted by 20 months from the priority date, which time may not be extended." Of course, the failure to do so does not result in loss of the subject matter of PCT Article and that subject matter in a preliminary amendment filed under Section 1.121 and ment under Section 1.121 is preferable since grammatical or idiomatic errors may be 1, at 35. See item 11(c) below.					
	0	[]are	transmi	tted herewith					
	a. b.								
	υ.	i.	[]	by the International Bureau. Date of mailing of the amendment (from form PCT/IB/308):					
	•	ii.	r ı	by applicant on					
		11.	[]	Date					
	•	[ ] hax	re not he	en transmitted, as					
	c.	i.		no notification has been received that the International Search					
		1.	[]	Authority has received the Search Copy.					
		ii	гэ	the Search Copy was received by the International Searching					
		11	[]	Authority, but the Search Report has not yet been issued. Date of					
1.				receipt of Search Copy from form PCT/ISA/202)					
		iii.	[]	applicant chose not to make amendments under PCT Article 19. Date					
		111.	LJ	of mailing of Search Report (from form PCT/ISA/210):					
		iv.	[]	the time limit for the submission of amendments has not yet expired.					
		14.	[ ]	The amendments, or a statement that amendments have not been made, will be transmitted before the expiration of the time limit					
				under PCT Rule 46.1.					
			1	Cd					
6.	[]	371(c)	(3)):	f the amendments to the claims under PCT Article 19 (35 U.S.C.					
	a.			ed herewith.					
	b.			red as the amendments were made in the English language.					
	c.	[ ] has	not bee	n transmitted for reasons indicated at point 5(c) above.					
7.	[]	An oat U.S.C.		laration of the inventor (35 U.S.C. 371(c)(4)) complying with 35					
٠.	0			usly submitted by applicant on					
·	a.	[]wa	s previo	Date					
	b.	[]	is subr	nitted herewith, and such oath or declaration					
	,								
		i.	[]	is attached to the application.					
		ii.	[]	identifies the application and any amendments under PCT Article 19					
				that were transmitted as stated in points 3(b) or (c) and 5(b); and					
				states that they were reviewed by the inventor, as required by 37 C.F.R. 1.70.					
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	Ç.	[]	44 111 1O	11 V V V					

Note: 37 C.F.R. § 1.495(c0: "If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date but omits . . . the oath or declaration of the inventor (35 U.S.C. 371(c)(4) and § 1.497), if a declaration of inventorship in compliance with § 1.497 has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26ter.1, applicant will be so notified and given a period of time within which to file the . . . oath or declaration in order to prevent abandonment of the application. . . . . The payment of the surcharge set forth in § 1.492(e) is required for acceptance of the oath or declaration of the inventor later than the expiration of thirty months after the priority date."

### II. Other document(s) or information included:

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8.	[x]	An inte	rnational Search Report or Declaration under PCT Article 17(2)(a):
	a.	[x]	is transmitted herewith.
	b.	[ ]	has been transmitted by the International Bureau. Date of mailing from form
			PCT/IB/308):
	c.	[]	is not required, as the application was searched by the United States
			International Searching Authority.
	d.	[]	will be transmitted promptly upon request.
	e.	[ ]	has been submitted by applicant on
			Date
	f.	[]	is not transmitted, as the international search has not yet issued.
9.	[]	An Info	ormation Disclosure Statement under 37 C.F.R. 1.97 and 1.98:
	a.	[]	is transmitted herewith.
	,		Also transmitted herewith is (are)
. ".	1 .	[]	Form PTO-1449 (PTO/SB/08A and 08B)
1,1		[]	Copies of citations listed
	b.	[ ]	will be transmitted within THREE MONTHS of the date of submission of
,			requirements under 35 U.S.C. 371(c).
NOTE:	37 C.F.R	. § 1.97	
			n disclosure statement shall be considered by the Office if filed by the applicant within any one of
the follow	wing time p	periods:	
	• *	(2) Withi	in three months of the date of entry of the national stage as set forth in § 1.491 in an international
applicati	ion.		
	c.	[]	was previously submitted by applicant on
:	i		Date
WARNI	NG:	1893.03	g) Information Disclosure Statement in a National Stage Application
			"When an international application is filed under the Patent Cooperation Treaty (PCT), prior art

"When an international application is filed under the Patent Cooperation Treaty (PCT), prior art documents may be cited by the examiner in the international search report and/or the international preliminary examination report. When a national stage application is filed under 35 U.S.C. 371, or a national application is filed under 35 U.S.C. 111 claiming benefit of the filing date of the international application, it is often desirable to have the examiner consider the documents cited in the international application when examining the national application.

"As a result of an agreement among the European Patent Office (EO), Japanese Patent Office (JPO), and the United States Patent and Trademark Office (USPTO), copies of documents cited in the international search report issued by any one of these International Search Authority Offices generally are being sent to the other Offices when designated in the international application. Accordingly, in many national stage applications where the international search was conducted by the EPO, JPO, or USPTO, copies of the documents cited in the international search report are made available to the examiner in the national stage application.

"When all the requirements for a national stage ap plication have been completed, applicant is notified (form PCT/DO/EO/903) of the acceptance of the application under 35 U.S.C. 371, including an itemized list of the items received. The itemized list includes an indication of whether a copy of the international search report and copies of the references cited therein are present in the national stage file. The examiner will consider the documents cited in the international search report, without any further action by applicant under 37 CFR 1.97 and 1.98, when both the international search report and copies of the documents are indicated to be present in the national stage file. The examiner will note the consideration in the first Office action. There is no requirement that the examiners list the documents on a PTO-892 form. See form paragraphs 6.53, 6.54, and 6.55 (reproduced in MPEP § 609). Otherwise, applicant must follow the procedure set forth in 37 CFR 1.97 and 1.98 in order to ensure that the examiner considers the documents cited in the international search report.

"This practice applies only to documents cited in the international search report relative to a national stage application filed under 35 U.S.C. 371. It does not apply to documents cited in an international preliminary examination report that are not cited in the search report. It does not apply to applications filed under 35 U.S.C. 111(a) claiming the benefit of an international application filing date."

10.	[ ]	An assignment document is transmitted herewith for recording. A separate					
	[]	"COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or					
	[]	FORM PTO—1595 is also attached.  [ ] Please mail the recorded assignment document to: i.					
11.	[x] a. b.	Additional documents [ ] Copy of request (PCT/RO/101) [x] International Publication No. WO 2005/003516 A2 i. [ ] Specification, claims and drawing ii. [x] Front page only					
, '	c. d.	[ ] Preliminary amendment (37 C.F.R. § 1.121) [ ] Other					
12.	[x] a. b. c.	The above checked items are being transmitted  [ ] before the 18th month publication.  [x] after publication and the article 20 communication, but before 30 months from the priority date.  [ ] after 20 months (revival).					
NOTE:	Petition months.	to revive (37 C.F.R. 1.137(a) or (b)) is necessary if 35 U.S.C. 371 requirements are submitted after 20					
13.	[ ]	Certain requirements under 35 U.S.C. 371 were previously submitted by the applicant on namely:					

#### **AUTHORIZATION TO CHARGE ADDITIONAL FEES**

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 CFR 1.136(a)(3).

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 CFR 1.26(a).

[X] The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 12-0425.

[X] 37 C.F.R. 1.492(a)(1) (basic filing fee)

WARNING: Because failure to pay the national fee within 30 months without extension results in abandonment of the application, it would be best to always check the above box.

[ ] 37 C.F.R. 1.492(b) (search fee) [ ] 37 C.F.R. 1.492(b) (exam fee) [ ] 37 C.F.R. 1.492(b) (claim fees)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment, prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- [X] 37 C.F.R. 1.16(s) (spec and drawing, each 50 pages over 100)
- [X] 37 C.F.R. 1.17 (application processing fees other than above)
- [X] 37 CFR 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a).

NOTE: 37 C.F.R. 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying or at the time of paying . . . issue fee...." From the wording of 37 C.F.R. 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

- [ ] 37 C.F.R. 1.492(e) and (f) (surcharge fees for filing the declaration and/or filing an English translation of an International Application later than 30 months after the priority date.
- [X] Please credit any overpayments to deposit account 12-0425.

10/562847 JAP15 Rec'd PCT/PTO 29 DEC 2005

SIGNATURE OF PRACTITIONER

WILLIAM R. EVANS

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry LLP 26 West 61<sup>st</sup> Street New York, N.Y. 10023

Reg. No. 25,858

Tel. No.: (212)708-1930

Customer No.: 00140

00140

PATENT TRADEMARK OFFICE